

COMPREHENSIVE LEGAL MEMORANDUM

Revised Drafted Pro Se Civil Rights Complaint

Under 42 U.S.C. § 1983

For Violations of Constitutional Rights

In the U.S. District Court

Eastern District of Missouri

Case: State v. Scott Ryan Sowersby

Case No. 1131-CR04830-01

Greene County Circuit Court, Missouri

Prepared: January 30, 2026

EXECUTIVE SUMMARY

This comprehensive legal memorandum provides a rigorously researched and drafted pro se civil rights complaint under 42 U.S.C. § 1983 for violations of constitutional rights. The complaint integrates verified court case documentation with cutting-edge constitutional law precedents in neurorights, cognitive liberty, and mental privacy.

Key Allegations

- Non-consensual neurointerventions constituting unethical human experimentation (paralleling MKUltra precedents)
- Systematic psychological torture via gaslighting, fractionation, and reality manipulation techniques
- Physical assaults and Eighth Amendment excessive force violations in custody
- Violations of First Amendment cognitive liberty and freedom of thought
- Fourth Amendment violations through warrantless neural surveillance and neuroimaging
- Fifth Amendment self-incrimination issues via compelled brain-computer interface access to mental states
- Fourteenth Amendment due process and mental integrity violations

Verified Court Case Background

Based on analysis of 136 pages of court documents, emails, and screenshots from Case No. 1131-CR04830-01 (State v. Scott Ryan Sowersby), the following timeline and facts have been verified:

- Case Number: 1131-CR04830-01 (Greene County Circuit Court)
- Presiding Judge: Thomas E. Mountjoy (31st Judicial Circuit)
- Timeline: Events spanning from 2019 through 2022, with ongoing violations through January 2026
- Facilities: Greene County Jail, Greene County Sheriff's Department, Missouri DOC facilities (Fulton Diagnostics, Western Reception, Moberly Correctional Center, South Central Correctional Center), Mercy Hospital
- Key Dates from Court Records: Multiple probation violations filed (08/16/2022, 07/19/2021), motions denied (08/18/2022), warrants served (08/01/2022), transfers between facilities documented, sentencing events on 10/05/2022

Legal Framework

This complaint is grounded in:

1. Federal Jurisdiction: 28 U.S.C. §§ 1331, 1343(a)(3) - Federal question jurisdiction via 42 U.S.C. § 1983
2. Venue: Eastern District of Missouri (events in Greene County, within district)
3. Constitutional Violations: First, Fourth, Fifth, Eighth, and Fourteenth Amendments

4. Municipal Liability: Monell v. Department of Social Services (1978) - policy/custom liability
5. Qualified Immunity: Overcome via clearly established rights (Harlow v. Fitzgerald, 1982)
6. Emerging Neurorights Framework: Colorado HB24-1058, California SB 1223, Montana SB 163, Connecticut SB 1295, Federal MIND Act (S.2925)

Relief Sought

- Compensatory Damages: \$1,000,000 for documented expenditures, psychological trauma, physical injuries, and loss of quality of life
- Punitive Damages: \$500,000,000 to deter future violations and send message regarding neurorights
- Injunctive Relief: Permanent injunction prohibiting non-consensual neurointerventions, neural surveillance, and psychological torture
- Declaratory Relief: Declaration that defendants violated plaintiff's constitutional rights
- Attorney Fees and Costs: Under 42 U.S.C. § 1988

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I. METHODOLOGY AND VERIFICATION PROCESS

This legal memorandum employs a rigorous, multi-step verification and research methodology to ensure accuracy, legal plausibility, and compliance with federal procedural requirements:

1. Document Verification

- Analyzed 136 pages of court documents, docket entries, emails, and screenshots from Case No. 1131-CR04830-01
- Extracted and verified key dates, judicial officers, facilities, and procedural events
- Cross-referenced allegations with documented court proceedings and institutional transfers

2. Form Structure Compliance

- Verified U.S. Courts Pro Se 15 form structure from uscourts.gov (Rev. 12/16)
- Adapted for Eastern District of Missouri via local rules (L.R. 2.06 for pro se litigants)
- Ensured compliance with Federal Rules of Civil Procedure 8(a) for short and plain statements
- Structured allegations to meet plausibility standard under *Ashcroft v. Iqbal* (2009)

3. Constitutional Law Research

- Comprehensive analysis of emerging neurorights framework across state and federal jurisdictions
- Integration of First Amendment cognitive liberty precedents (*West Virginia State Board of Education v. Barnette*, *303 Creative v. Elenis*)
- Fourth Amendment neuroimaging precedents (*Kyllo v. United States*, *Carpenter v. United States*)
- Fourteenth Amendment mental integrity cases (*Washington v. Harper*, *Vitek v. Jones*, *Cruzan v. Director, Missouri Dept. of Health*, *Sell v. United States*)
- Review of international neurorights developments (Chile Law No. 21.383, UNESCO recommendations)

4. State Neurorights Legislation Review

Comprehensive analysis of enacted and pending state legislation protecting neural data:

- Colorado HB24-1058 (Effective August 7, 2024) - First state legislation protecting neural data
- California SB 1223 (Effective January 1, 2025) - Constitutional-level neural data privacy
- Montana SB 163 (Effective October 1, 2025) - Prohibits disclosure to insurance/employers
- Connecticut SB 1295 (Effective July 1, 2026) - Defines neural data as sensitive data

- Federal MIND Act (S.2925, 2025) - First federal neurotechnology governance framework

5. Technical Verification

- Research into 5G/6G dual-use telecommunications infrastructure (beamforming capabilities, frequency ranges)
- Investigation of AI models and datasets relevant to neural data processing (EEGNet, BrainLM architectures)
- Analysis of brain-computer interface technologies and their legal implications
- Note: Technical hypotheses incorporated as alleged; strengthening with expert affidavits recommended

6. Legal Framework Integration

- Monell liability framework per *Monell v. Department of Social Services* (1978)
- Qualified immunity analysis via *Harlow v. Fitzgerald* (1982)
- State action doctrine for private defendants (*Dennis v. Sparks*, 1980)
- Comparison with historical unethical experimentation cases (MKUltra, Tuskegee)

II. CONSTITUTIONAL FRAMEWORK FOR NEURORIGHTS

The constitutional protections underlying this complaint represent an emerging but legally well-grounded framework for protecting mental privacy, cognitive liberty, and freedom of thought. While neurorights are a developing area of law, they are firmly rooted in established constitutional doctrines.

A. Fourth Amendment - Protection Against Unreasonable Searches and Seizures

Legal Foundation

The Fourth Amendment protects against unreasonable searches and seizures. Neuroimaging and neural surveillance constitute searches because probing any part of the body's interior—including the brain—requires probable cause and a warrant.

Key Legal Arguments

- Forcing any person to submit to neurointerrogation or neuro lie detection is a substantial invasion of mental privacy that is unconstitutional under the Fourth Amendment
- Legal precedent for neurological data protection comes from the Fourth Amendment's protection against unreasonable searches. Just as thermal signatures of a home necessitate constitutional protection from technological intrusion, neural signatures that constitute thought demand even stronger safeguards
- Measuring brain activity during interrogation endangers cognitive freedom and constitutes unreasonable search and seizure under the Fourth Amendment

Controlling Precedents

- *Kyllo v. United States* (2001) - Supreme Court held thermal imaging of a home constitutes a search requiring a warrant. Reasoning: Technology revealing interior details not otherwise observable without physical intrusion violates reasonable expectation of privacy.
- *Carpenter v. United States* (2018) - Government must obtain a warrant to examine historical cell-site location data because such records provide an intimate window into the privacies of life. Rationale extends to neural surveillance: if monitoring physical location requires judicial authorization, accessing thoughts, memories, and intentions should be similarly regulated as it invades an even more intimate domain.

B. Fifth Amendment - Protection Against Self-Incrimination

Doctrinal Challenge

Duke Law Professor Nita Farahany has identified that neural data exists in a gray area between 'physical' and 'testimonial' evidence. Current Fifth Amendment doctrine may not provide adequate protection because traditional frameworks

never anticipated accessing mental states physically and without voluntary participation.

Key Distinction

- Unlike static biological identifiers (fingerprints, DNA), neural data captures the brain's dynamic electrical patterns
- These patterns encode memories, intentions, and thoughts protected by the Fifth Amendment
- A compelled brain-computer interface scan is analogous to forcing someone to transcribe their own thoughts and emotions

C. First Amendment - Freedom of Thought and Cognitive Liberty

Constitutional Foundation

By recognizing cognitive liberty and the right to privacy in our thoughts as falling within First Amendment rights, courts can sufficiently protect Americans from abuses of neuro-surveillance data. The right to cognitive liberty arguably grounds all other fundamental rights, especially in the context of the First Amendment.

Legal Arguments

- The State cannot, consistent with the First Amendment, forcibly manipulate the mental states (and implicitly brain states) of individual citizens
- The First Amendment, with its historical protection of freedom of thought and expression, provides a robust foundation for cognitive liberty
- By treating freedom of thought as an inalienable right, First Amendment case law offers a direct pathway to safeguarding the inner sanctum of the human mind against unwarranted intrusion

Supporting Precedents

- *West Virginia State Board of Education v. Barnette* (1943) - Established that government cannot compel expression or belief
- *303 Creative v. Elenis* (2023) - Recent Supreme Court affirmation of First Amendment protection for freedom of thought and expression

D. Fourteenth Amendment - Substantive Due Process and Mental Integrity

Right to Refuse Medical Care

The Supreme Court has recognized that the Due Process Clause subsumes a constitutionally protected right to refuse medical care, acknowledging a significant liberty interest in refusing drugs under the Fourteenth Amendment's Due Process Clause.

Key Protections

- The Supreme Court has recognized, under the Due Process Clause, certain substantive liberty rights of people with mental disabilities who are involuntarily committed to public institutions

- Right to bodily integrity - Protected under substantive due process
- Right to mental self-determination - Protected under substantive due process

Controlling Cases

- Washington v. Harper (1990) - A prisoner's involuntary commitment to a mental illness hospital and mandatory behavior modification treatment implicated liberty interests under the Fourteenth Amendment's Due Process Clause
- Vitek v. Jones (1980) - Recognized liberty interest in freedom from involuntary commitment and the stigmatizing consequences of mental health treatment
- Cruzan v. Director, Missouri Dept. of Health (1990) - Established constitutional right to refuse unwanted medical treatment, even life-sustaining treatment
- Sell v. United States (2003) - Set strict limits on government's power to compel medication for trial competency, requiring showing of important governmental interest and less intrusive alternatives

E. Eighth Amendment - Protection Against Cruel and Unusual Punishment

The Eighth Amendment prohibits cruel and unusual punishment and excessive force. Psychological torture, sleep deprivation, physical assaults resulting in injury, and non-consensual human experimentation all constitute Eighth Amendment violations when conducted against prisoners or those in state custody.

F. Emerging Neurorights Framework

Scholars have identified four new neuro-specific rights, called neurorights:

7. The right to cognitive liberty - Freedom from non-consensual manipulation of mental states
8. The right to mental privacy - Protection of neural data from unauthorized access
9. The right to mental integrity - Protection from invasive alteration of brain function
10. The right to psychological continuity - Preservation of personal identity and sense of self

These constitutional protections form the foundation for arguing against non-consensual neuromodulation, neural surveillance, and brain manipulation technologies in Missouri and throughout the United States.